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Senate

Statement of Senator Dianne Feinstein

"Reauthorization of the 1994 Assault Weapons Ban"

Mrs. FEINSTEIN. Mr. President, I rise on behalf of myself and Senators Warner, Schumer, DeWine, Levin, Chafee, Dodd, Jeffords, Boxer, and Clinton, and also Senators Reed and Lautenberg, to offer an amendment which is identical to S. 2109, introduced early last week. This amendment will simply reauthorize the 1994 assault weapons ban. It is a straight reauthorization. There is nothing added to it.

The present legislation sunsets on September 13 of this year. As you and others know, the President has said he will sign a straight reauthorization. This is it.

Mr. President, I want to thank Senator Warner, who I hope will be here shortly to speak for himself. I very much appreciate his cosponsorship of this legislation. When the legislation came before this Senate 10 years ago, Senator Warner didn't support it. Therefore, his reconsideration of that position is all important. I won't give reasons for it. I believe that is up to him. I believe both he and Senators DeWine and Schumer

will be utilizing the hour of our time.

The issue of assault weapons is near and dear to my heart. It is not about politics or polls or interest groups. In my view, it is about real people and real lives. It is about the ability of working men and women and children to be safe from disgruntled employees or schoolmates who show up one day at a law firm or school or a place of business and fire away until the room becomes filled with dead and wounded colleagues.

Unfortunately, in this society, we are always going to have some people who are prone to grievance killing.

It is my belief the assault weapon, the military-style semiautomatic assault weapon, has become the weapon of choice for grievance killers.

It is about the ability of children to learn, play, and grow without the fear that someone such as Dylan Klebold or Eric Harris would show up at Columbine High School with assault weapons and fire until the school is literally littered with bodies--a dozen students and a teacher

murdered, more than two dozen others injured.

It is about making sure our law enforcement officers can safely go about their duties and return home to their families at the end of the day, instead of finding themselves confronted, such as Officer James Guelff found himself in 1994, with assailants wearing body armor and firing from an arsenal of 2,000 rounds of ammunition and a cache of assault weapons.

The officer was gunned down after 10 years of service, and it took 150 police officers to equal the firepower of a gunman clad in Kevlar carrying assault weapons.

I first raised this issue in 1993, when I was a new Senator. I was determined to try to pass the assault weapons legislation as an amendment to the crime bill. Members told me: Forget it; the gun owners around here have too much authority. We would never be able to enact assault weapons legislation. I was told the NRA was simply too strong. Senator Biden, then-chair of the Judiciary Committee, said it would be a good learning experience for me, and, in fact, it was.

It was the will of the American people, it turns out, that was stronger

than any lobbying organization, even the National Rifle Association. And today, 77 percent of the American people and 66 percent of gun owners believe this legislation should be reauthorized.

We got the bill passed, and America has been safer for it. In fact, the percentage of assault weapons used in crimes since this bill has passed has diminished by two-thirds. That is the fact. Assault weapons traced to crimes since the passage of this legislation have diminished by two-thirds. That is the good news.

It is interesting, the NRA says: Oh, the ban doesn't work; it is just cosmetic; forget it. But the ban does work, and it was carefully put together. No gun owners have lost their weapon because of this legislation. No gun anywhere in America has been confiscated from a legal owner because of this ban. The sky did not fall. Life went on, but it went on with fewer grievance killings, fewer juveniles using them, fewer driveby shooters having access to the most dangerous of firearms.

I want to talk about just a few of the guns we banned. The bill banned 19 specific assault weapons and then set up a physical characteristics test which, frankly, if given my way, I would toughen now. We have had more experience. We know gun manufacturers get around it. California has toughened the test and, basically, I would like to emulate that legislation. Clearly, the votes are not in this

Chamber for it; certainly not in the other Chamber, and we probably would not be able to gain a Presidential signature. I probably used too optimistic a word by using "probably." Let me say we would not be able to gain a Presidential signature.

Let me speak for a moment about perhaps the most notorious assault weapon, the AK-47. This gun, developed in the former Soviet Union, is one of the most widely used military weapons in the world. It is not used to hunt, at least not to hunt animals. It is not well designed for home defense. Its ammunition can easily pierce walls and kill innocent bystanders. I will tell you what it is good for: the rapid killing of other people. How well I remember when an unstable drifter by the name of Patrick Purdy, with an assault weapon modeled after the AK-47, walked into a Stockton schoolyard in northern California. He lay on his belly, and he fired indiscriminately into the schoolyard. He fired 106 rounds of ammunition. By the time he was done, 5 children were dead and 29 were injured--five children dead because of a drifter who could gain one of the most powerful military weapons and use it against children.

Each of these children had families. They had futures. One might have been a doctor one day, another a teacher, maybe even one a Senator, but they never got that chance. Their families did not see them grow up.

Then there is the Uzi. The Uzi was designed for Israeli paratroopers in the 1950s. Again, this is not a weapon designed for

hunting or self-defense. This is a weapon of war. It can spray fire rapidly and with some accuracy and is used for raids, firefights, and, to put it simply, the killing of enemy soldiers in close combat.

An easily concealed weapon of war that sprays fire can also be used against civilians, and so it was when James Huberty walked into a McDonald's in San Ysidro, CA. He was able to kill 21 people and wound 15 others. The McDonald's customers were simply in the wrong place at the wrong time. Had Huberty carried a revolver, who knows how many lives would have been saved. But with an Uzi, there is no ability to escape. With a big clip and a light trigger, nobody can get to you to disarm you before you have emptied the clip. The spray fire begins and the tragedy looms large. Again, a weapon of war falls into the hands of a grievance killer.

The TEC-9. For me, these incidents really came to a head on July 1, 1993, when a man by the name of Gian Luigi Ferri walked into 101 California Street carrying two high-capacity TEC-DC9 assault pistols.

Let me show you what he looked like. He is dead in this picture. Look at this clip on this assault pistol. Look at the additional clips he was carrying in the bag. And look at the weapon in his hand.

Ferri's gun--well, his guns--actually had special spring-loaded hellfire switches that allowed them to be fired, for all practical purposes, as fast as a machine gun. As a result, it did not take long for him to accomplish his task. Within minutes, he murdered eight people and six others were wounded.

I just looked at a shot of a lovely blond woman on the floor in her office with three shots in her back and one in her shoulder. I have spoken to the survivors and families of these victims over the years, and I can tell you it is just plain heartbreaking.

One such survivor was Michelle Scully. I will paraphrase what happened to her that day. Michelle and her husband John Scully--he was a lawyer in the firm--sought refuge in the nearest room, but the door did not have a lock. Michelle and John tried to block the door with a file cabinet, but they could not move it. Finally, he spread his 6-foot-4 body over his wife as a shield as the gunman wordlessly opened the door and fired this gun over and over again.

John was hit six times. His wife once. "Michelle, I'm sorry," John Scully said a few minutes later, "I am dying."

No one should have to go through this. No one should have to read about it in a newspaper. Nobody goes to work in the morning or says goodbye to their spouse expecting something like what happened at 101 California Street.

These were not soldiers or law enforcement officers. These were people doing everyday jobs in an everyday place. Because a person who had a bone to pick also had two assault pistols, eight lives were ended before the day was done.

Now, my colleagues can tell me guns do not kill people, that people kill people. Of course, I have to agree with that, but when there is a nut or a man so inflamed that he is going to go out and exact vengeance and a weapon of war designed to kill large numbers in close combat is made available to him, when our Government enables this to happen, we fall down on the job because we are here to see that there are laws that protect people.

In 1994, a man used a TEC-9 to kill three people in the Washington, DC, police headquarters. Those killed were two FBI agents and a veteran police sergeant. The shooter walked into the crowded building with a concealed weapon, one of the key factors in how dangerous these weapons can be because they either have collapsable shoulder mounts or they are easily concealed. He then proceeded unimpeded directly into a homicide squad office and began firing. This is what the TEC-9 can do. Again, we do not hear stories of TEC-9s being used to hunt deer. We do hear about tragedy after tragedy.

In 1999, even after the assault weapons ban had been law for almost 5 years, Dylan Klebold fired 55 shots from a TEC-DC9 at Columbine. The TEC-DC9, a gun manufactured before the ban took effect and thus grandfathered and legal, was obtained from a gun show and then used to kill his fellow students.

It is my hope that over time and the way the bill is structured, the availability of these guns will dry up because what the legislation does is prohibit the manufacture

and the sale of these weapons, not the possession. When they do dry up, the Dylan Klebolds of the world can no longer have access to them.

The supply of these guns is not going to dry up, however, if the assault weapons ban sunsets in September. We would be giving Intratec and other such companies a renewed license to manufacture these military guns and market them elsewhere across the Nation.

We specifically exempted 670 rifles and shotguns from the legislation so anybody who said, oh, my gun is going to be taken, could be reassured and we could show them we did not, in fact, take their gun.

Although it may be difficult to read, this is the listing of the hunting guns and other recreational weapons protected in the legislation. It goes on and on. The Weatherby Mark V Sport Rifle, the Savage Model 111BC heavy barrel varmint rifle, and all centerfire rifles that are single shot, drillings, combination guns; shotguns-auto loaders; shotguns-slide actions; shotguns-over/unders; centerfire rifles-auto loaders; centerfire rifles-lever and slide; centerfire rifles-bolt action; shotguns-side by sides, shotguns-bolt actions and single shots. Total: 670 hunting weapons.

The reason I did this is I approached some Members of the Senate and said, what do they need to support legislation? And they said they needed assurance that hunting weapons are not covered. We provided that assurance. That assurance has worked and no one has lost a single weapon on this list.

The list includes every conceivable weapon: shotgun, rifle, et cetera. It is designed to protect the ability of innocent gunowners to keep their

hunting weapons and to keep their guns for self-defense. The list of protected guns and the 9 years of accounting of history behind the ban show that the National Rifle Association's hysterical claims of gun confiscation are simply not true.

I will speak about support for this legislation. As my colleagues can see from the list behind me, countless organizations, civic and law enforcement, are asking that this assault weapons legislation be reauthorized. At the top of the list we have the largest law enforcement organization in the Nation, the Fraternal Order of Police. We have the National League of Cities, the United States Conference of Mayors, National Association of Counties, the International Association of Chiefs of Police, the National Association of Police Organizations, the International Brotherhood of Police Officers, the United States Conference of Catholic Bishops, the National Education Association the NAACP, and the list goes on.

By latest poll, more than three-fourths of the American people, even two-thirds of gunowners, support reauthorizing the assault weapons legislation. So the will of the people could not be more clear. The American people know that these guns should not, once again, be manufactured and imported into the United States.

We saw in the Columbine shooting, the Long Island Railroad shooting, and so many others that high-capacity assault weapons can make those who

wield them temporarily invincible because it is so difficult to get close to them to disarm them. So the fate of this bill is in this Senate.

In April of last year Presidential White House spokesman Scott McClellan said of the assault weapons legislation:

The President supports the current law, and he supports reauthorization of the current law.

That is what we are doing with this legislation, reauthorizing the current law, period.

Now, I realize the President has expressed concern about amendments to the gun immunity bill that might delay its passage beyond this year, but the assault weapons legislation expires in less than 7 months and we cannot delay this bill beyond this year, either. I am hopeful that as people look back and they look at this terrible litany of events all across this Nation, in schoolyards, in businesses, in factories, in print shops, in law offices, wherever people congregate, they recognize that it is prudent to keep assault weapons off the streets of our American cities.

As gangs move guns across State lines, they move assault weapons. So the ability to dry up this supply over time, the ability to prohibit their manufacture and their sale is what this legislation does.

It has always puzzled me because the NRA says it is only cosmetic, it does not work, and I wonder, if it is only cosmetic why do they get so exercised about it? But it does work, because assault weapon gun traces to crimes have

declined by two-thirds since this bill has passed.

That is the proof. It has had an effect. That is why the NRA is calling offices today. That is why the NRA is asking Members not to vote for this: Because it has worked.

I reserve the remainder of our time. I yield the floor. Mr. President, I suggest the absence of a quorum.